

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION LODGING NO. 1145 OF 2007
Kaliram Devchand & Ors. ..Petitioners
Vs.
State of Maharashtra and ors. ..Respondents
Mr. Mihir Desai for petitioners.
Mr. V. Shah for respondent nos.4 and 5.
Ms. Priti Purandare for BMC.
Mr. Milind More for State.
**CORAM: B.H. MARLAPALLE &
S.C. DHARMADHIKARI,JJ.**
(Vacation Court)
Date : May 25, 2007.

P.C.:

1. Heard the learned counsel for the parties.
According to the petitioners they have already
suggested alternate sites to respondent no.3 and
respondent no.3 is considering the matter.

2. The learned counsel for respondent No.3
submits that the authority cannot be bound by the
option exercised by the petitioners and they have to
take decision in the larger interest of the public in
view of the policy framed by respondent No.3. Having
heard the learned counsel for the parties on this

aspect of the matter, we direct respondent No.3 to consider the suggestions made by the petitioners. However, they will not be bound to make allotment of such place as suggested by the petitioners, but the allotment they would make is expected to be reasonable and fair in its different facets. Further more, if the allotment to be made by respondent No.3 is not accepted by the petitioners, eviction order as regards the possession of the petitioners' premises shall not be given effect to for a period of 15 days from the date of communication.

3. Petition is disposed off accordingly, leaving the parties to bear their own costs.

(S.C. Dharmadhikari,J.)

(B.H. Marlapalle,J.)